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2   SML AVVOCATI P.C.
    969 Hilgard Avenue
3   Los Angeles, California 90024
4   (949) 636-1391 (Phone)

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Attorney(s) for Digital Verification Systems, LLC

6

7   **IN THE UNITED STATES DISTRICT COURT**
8   **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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10 **DIGITAL VERIFICATION SYSTEMS, LLC,**	**CASE NO. 5:22-cv-00686**
11	
12 *Plaintiff,*	**COMPLAINT FOR PATENT INFRINGEMENT**
13 v.	
14 **ENCYRO, INC.,**	**DEMAND FOR JURY TRIAL**
15 *Defendant.*	

16

17   Plaintiff Digital Verification Systems, LLC ("Plaintiff" and/or "DVS") files
18 this Complaint against Encyro, Inc. ("Defendant" and/or "ENCYRO") for
19 infringement of United States Patent No. 9,054,860 (hereinafter "the '860 Patent").

20   **PARTIES AND JURISDICTION**

21   1.   This is an action for patent infringement under Title 35 of the United
22 States Code. Plaintiff is seeking injunctive relief as well as damages.

23   2.   Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
24 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
25 infringement arising under the United States patent statutes.

26   3.   Plaintiff is a Texas limited liability company located at 1 East Broward
27 Boulevard, Suite 700, Fort Lauderdale, FL 33301.

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COMPLAINT AGAINST ENCYRO, INC.

4.   On information and belief, Defendant is a California corporation with its principal office located at, 420 N McKinley St, Ste 111-419, Corona, CA 92879. On information and belief, Defendant may be served at its principal office.

5.   On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6.   On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7.   On information and belief, the venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District, and Defendant has a regular and established place of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

8.   Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9.   This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

10.   Plaintiff is the owner by assignment of the '860 Patent with sole rights to enforce the '860 Patent and sue infringers.

11.   A copy of the '860 Patent, titled "Digital Verified Identification System and Method," is attached hereto as Exhibit A.

12.   The '860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13.   Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '860 Patent by making,

COMPLAINT AGAINST ENCYRO, INC.

using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., Encyro E-Sign), and any similar products and/or services ("Product") covered by at least Claim 1 of the '860 Patent. Defendant has infringed and continues to infringe the '860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14.   The Product provides a system for e-signing digital documents. The Product provides for digitally verifying the identification of a signer. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Secure Access Options

Encyro E-Sign is designed from the ground up for signatures on sensitive documents. You get multiple access control options to keep your document secure during the transaction.

Source: https://www.encyro.com/esign#esbenefits

1. **Select the file to be signed**: you may upload a PDF file from your computer, right click a PDF file already in your Encyro account, or upload a Microsoft Word, PowerPoint, or Excel file that will be automatically converted to PDF format upon upload

   ○ Recommended: Since automated conversion of Microsoft Word, PowerPoint, or Excel files can result in some changes depending on the version of Microsoft Office used to create those files, we recommend saving the files to PDF format from your Microsoft application itself before uploading on Encyro.

Source: https://help.encyro.com/article/180-how-to-send-an-e-signature-request

COMPLAINT AGAINST ENCYRO, INC.

1. **We recommend using a PDF file.** You may use Microsoft Word, PowerPoint, and Excel files. These will be automatically converted to PDF. However, *to avoid any inadvertent changes during the automated conversion*, we recommend that you use the "Save As" option within Word/PowerPoint/Excel and select to save the file as PDF (see details). That way you can check if the PDF file generated is exactly as desired.
2. **E-Sign for files already in your Encyro account:** You may alternative start an e-sign request by right clicking a PDF file in your Encyro account (within any client folder) and then selecting the option "**Send for E-Sign.**"

Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

15.   The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., the creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Sending custom forms to clients

If you have certain forms that you need your clients to fill out, such as a new patient form or other informational forms, you may use the e-sign feature to send out those forms to patients or clients. **The e-sign request that you send need not have any signature fields.**

1. First, create the form in your preferred text editor, such as Microsoft Word. Leave blank spaces for items to be filled in by the recipients.
2. Save the form as a PDF file (in Word, use the *File->Save As* option and just below the file name, select the format as PDF.
3. Login to Encyro and click "**Compose E-Sign**" to start a new e-sign request.
4. Click "**Browse and Upload**". Select the PDF file for the form you created above.
5. Now, insert fields (text or date) in all the blank spaces where the recipient should fill in any data in your form. (To set custom labels and other optional field settings, see this

Source: https://help.encyro.com/article/191-sending-custom-forms-to-clients

COMPLAINT AGAINST ENCYRO, INC.

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How to create a template?

Pre-requisite: Creating a template requires an Encyro Pro membership. You may start a free trial via your Settings page. If you already started an e-sign request, click **Save Draft** and you may return to it later after changing your membership settings.

Start a new e-sign request as usual, with either an uploaded file, previously saved draft, from a file within your Encyro account (via right clicking on it), or even from a previously saved template.

8   Source: https://help.encyro.com/article/183-save-templates-for-electronic-signature-requests

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16.   The Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the account for e-signing the documents). The module generating assembly is also structured to create at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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COMPLAINT AGAINST ENCYRO, INC.

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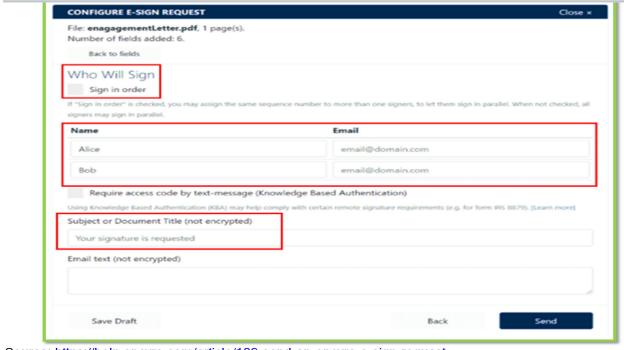8

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Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

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CONFIGURE E-SIGN REQUEST   Close ×

File: **enagagementLetter.pdf**, 1 page(s).
Number of fields added: 6.

Back to fields

Who Will Sign
Sign in order

If "Sign in order" is checked, you may assign the same sequence number to more than one signers, to let them sign in parallel. When not checked, all signers may sign in parallel.

Name	Email
Alice	email@domain.com
Bob	email@domain.com

Require access code by text-message (Knowledge Based Authentication)

Using Knowledge Based Authentication (KBA) may help comply with certain remote signature requirements (e.g. for form IRS 8879). [Learn more]

Subject or Document Title (not encrypted)

Your signature is requested

Email text (not encrypted)

Save Draft   Back   Send

Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

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COMPLAINT AGAINST ENCYRO, INC.

17.   at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a "Bill of Landing" or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

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   o Recommended: Since automated conversion of Microsoft Word, PowerPoint, or Excel files can result in some changes depending on the version of Microsoft Office used to create those files, we recommend saving the files to PDF format from your Microsoft application itself before uploading on Encyro.

Source: https://help.encyro.com/article/180-how-to-send-an-e-signature-request
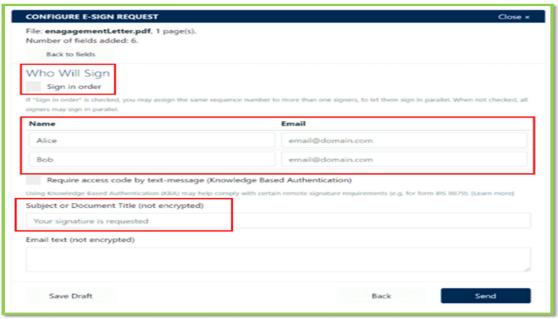
18.   At least one digital identification module includes at least one primary component structured to associate the digital identification module at least partially with at least one entity. For example, an e-signature of a user is associated with user information including username, date, etc. to associate the digital identification module at least partially with at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

COMPLAINT AGAINST ENCYRO, INC.

Source: https://help.encyro.com/article/191-sending-custom-forms-to-clients

Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

19.   At least one digital identification module is cooperatively structured to be embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

COMPLAINT AGAINST ENCYRO, INC.

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13   ## How to create a template?

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COMPLAINT AGAINST ENCYRO, INC.

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ABC Photography Studios, located at 1234 Hollywood Ave, City, ST, 98765 agrees to provide premium real estate photography services for the property listed below:

Property Address: _123 Treeline St, City, ST 98765_____

Date of Photography: _Date_____

Services: Photography services will be provided for the interior of up to 5 rooms, exterior front and back areas, and drone photography for up to 5 arial views, captured over a flying time of up to 20 minutes. The client must ensure that the property to be photographed has been cleaned and prepared with required staging and any required items.

Up to one change of date is allowed due to inclement weather conditions. Additional changes to the date will incur a rescheduling fee listed in the appendix.

Agreed to by:

Client Signature: _Signature_____

Name: _Text_____

Photographer Signature: _Signature_____

For ABC Photography Studios.

Source: https://www.youtube.com/watch?v=rgA6f2APyvI

COMPLAINT AGAINST ENCYRO, INC.
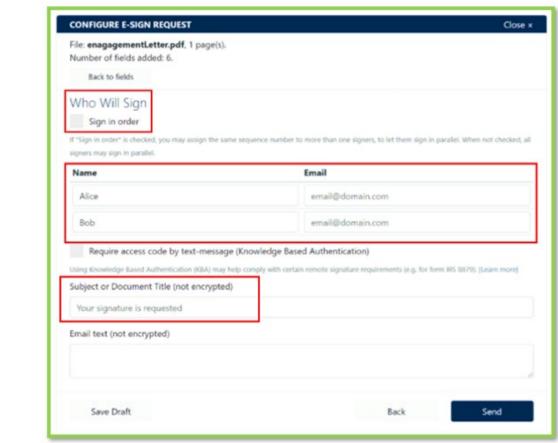
Source: https://help.encyro.com/article/189-send-an-encyro-e-sign-request

20.   Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21.   Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22.   Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a)   Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No.

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COMPLAINT AGAINST ENCYRO, INC.

9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

     (c)   Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

     (d)   Award Plaintiff pre-judgment and post-judgment interest and costs; and

     (e)   Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

JURY DEMAND

Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

Dated: April 21, 2022   Respectfully submitted,

                      /s/Stephen M. Lobbin
                      Attorney(s) for Plaintiff

COMPLAINT AGAINST ENCYRO, INC.